

2020 No. 268

HOUSING

**The Homeless Persons (Unsuitable Accommodation) (Scotland)
Amendment (Coronavirus) Order 2020**

Made - - - - - *28th August 2020*

Laid before the Scottish Parliament *1st September 2020*

Coming into force - - - *30th September 2020*

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 29(3) and (4) of the Housing (Scotland) Act 1987(a) and all other powers enabling them to do so.

Citation and commencement

1.—(1) This Order may be cited as the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020 and comes into force on 30 September 2020.

(2) Article 3 expires on 31 January 2021.

Amendment of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020

2.—(1) The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020(b) is amended in accordance with paragraphs (2) and (3).

(2) Article 1(2) is omitted.

(3) Article 3 is omitted.

Modification of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014

3.—(1) The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014(c) applies, in relation to accommodation provided to an applicant under section 29 of the Housing (Scotland) Act 1987 while this article is in force, in accordance with the modifications in paragraphs (2) and (3).

(2) Article 2 (interpretation) has effect as if—

(a) after the definition of “community hosting”, there were inserted—

““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2);”, and

(a) 1987 c.26. Subsections (3) and (4) of section 29 were inserted by section 9(1)(b) of the Homelessness etc. (Scotland) Act 2003 (asp 10). There are amendments to section 29 that are not relevant to this Order.

(b) S.S.I. 2020/139.

(c) S.S.I. 2014/243.

- (b) after the definition of “household”, there were inserted—
 - ““isolate” in relation to a person means separation of that person from any other person in such manner as to prevent infection or contamination with coronavirus;”.
- (3) Article 6 has effect as if—
 - (a) in paragraph (d), “or” were omitted,
 - (b) in paragraph (e), for “.” there were substituted “;”, and
 - (c) after paragraph (e) there were inserted—
 - “(f) a person in the household has symptoms of coronavirus and the household requires to isolate;
 - (g) the accommodation is required to provide temporary accommodation to ensure that a distance of 2 metres can be maintained between a member of the household and a person who is not a member of the household in order to prevent the spread of coronavirus;
 - (h) the following conditions are both satisfied—
 - (i) the local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area; and
 - (ii) the household does not include a dependent child or a pregnant woman; or
 - (i) the following conditions are all satisfied—
 - (i) the local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area;
 - (ii) the household includes either, or both, a dependent child or pregnant woman; and
 - (iii) the local authority provides the household with accommodation which does not meet the requirements of article 5 for no longer than 7 days in total in respect of that household’s application.”.

AILEEN CAMPBELL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
28th August 2020

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 to remove modifications which have expired.

Article 3 of this Order temporarily modifies the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 in response to the coronavirus pandemic. The modifications expire on 31 January 2021. Similar modifications were made in the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020, which expire on 30 September 2020.

The modifications allow for temporary accommodation to be provided for homeless households by way of accommodation within hotels and bed and breakfasts. This would have been a breach of the 2014 Order which only allows for such accommodation to be provided for a seven day period, but the modification allows local authorities to provide such accommodation where such persons need to self-isolate or otherwise comply with physical distancing guidelines, which have come into being as a result of the coronavirus pandemic.

The Order also allows for such accommodation to be provided where the local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on accommodation supply in the area, provided that where a household includes a child or a pregnant woman the household is not placed in unsuitable accommodation for more than 7 days. That further modification is new, and was not previously made by the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020.

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